



April 8, 2009

ENGROSSED HOUSE BILL No. 1033

DIGEST OF HB 1033 (Updated April 6, 2009 12:48 pm - DI 52)

Citations Affected: IC 8-1; IC 15-11.

Synopsis: Renewable energy. Requires the state utility forecasting group in formulating suggestions in its annual report to evaluate potential methane opportunities from biomass as a source of renewable energy, considering information provided by the United States Environmental Protection Agency AgSTAR Program. Requires the department of agriculture in its administration of economic development efforts for agriculture to facilitate the use of biomass to generate renewable energy.

Effective: July 1, 2009.

Grubb, Koch, Davis, Knollman

(SENATE SPONSORS — STUTZMAN, DEIG, BUCK, ERRINGTON)

January 7, 2009, read first time and referred to Committee on Agriculture and Rural Development.

January 29, 2009, amended, reported — Do Pass.

February 2, 2009, read second time, amended, ordered engrossed.

February 3, 2009, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 19, 2009, read first time and referred to Committee on Energy and Environmental Affairs.

April 7, 2009, amended, reported favorably — Do Pass.

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EH 1033—LS 6234/DI 103+



April 8, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1033

A BILL FOR AN ACT to amend the Indiana Code concerning energy.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-1-8.8-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The group shall
3 conduct an annual study on the use, availability, and economics of
4 using renewable energy resources in Indiana. Each year, the group shall
5 submit a report on the study to the commission for inclusion in the
6 commission's annual report to the regulatory flexibility committee
7 described in IC 8-1-2.5-9 and IC 8-1-2.6-4. The report must include
8 suggestions from the group to encourage the development and use of
9 renewable energy resources and technologies appropriate for use in
10 Indiana. **In formulating the suggestions, the group shall:**
11 **(1) evaluate potential methane opportunities from biomass as**
12 **a source of renewable energy; and**
13 **(2) consider in the evaluation information provided by the**
14 **United States Environmental Protection Agency AgSTAR**
15 **Program.**
16 SECTION 2. IC 15-11-2-3, AS ADDED BY P.L.120-2008,
17 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



EH 1033—LS 6234/DI 103+

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JULY 1, 2009]: Sec. 3. The department shall do the following:

(1) Provide administrative and staff support for the following:

(A) The state fair board for purposes of carrying out the director's duties under IC 15-13-5.

(B) The Indiana corn marketing council for purposes of administering the duties of the director under IC 15-15-12.

(C) The Indiana organic peer review panel under IC 15-15-8.

(D) The Indiana dairy industry development board for purposes of administering the duties of the director under IC 15-18-5.

(E) The Indiana land resources council under IC 15-12-5.

(F) The Indiana grain buyers and warehouse licensing agency under IC 26-3-7.

(G) The Indiana grain indemnity corporation under IC 26-4-3.

(H) The division.

(I) The E85 fueling station grant program under IC 15-11-11.

(2) Administer the election of state fair board members under IC 15-13-5.

(3) Administer state programs and laws promoting agricultural trade.

(4) Administer state livestock or agriculture marketing grant programs.

(5) Administer economic development efforts for agriculture by doing the following:

(A) Promoting value added agricultural resources.

(B) Marketing Indiana agriculture to businesses internationally.

(C) Assisting Indiana agricultural businesses with developing partnerships with the Indiana economic development corporation.

(D) Soliciting private funding for selective economic development and trade initiatives.

(E) Providing for the orderly economic development and growth of Indiana's agricultural economy.

(F) Facilitating the use of biomass to generate renewable energy.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, after "IC 15-11-2-3(6)" insert **"and gasification and algae production systems for the conversion of livestock waste to renewable energy"**.

Page 2, line 33, delete "anaerobic digestion" insert **"treatment systems to:**

- (i) minimize air emissions of livestock waste;**
- (ii) ensure that water quality standards are met; and**
- (iii) generate renewable energy."**

Page 2, delete line 34.

Page 2, line 35, delete "livestock waste" and insert **"the potential for energy generation from the installation and use of "**.

Page 2, line 36, after "systems" insert **", gasification systems, and algae production systems at concentrated animal feeding operations (as set forth in 40 CFR 122.23), confined feeding operations (as defined by IC 13-11-2-40), and wastewater treatment plants (as defined by IC 13-11-2-258)".**

and when so amended that said bill do pass.

(Reference is to HB 1033 as introduced.)

PFLUM, Chair

Committee Vote: yeas 12, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1033 be amended to read as follows:

Page 1, delete lines 1 through 14.

Page 3, line 5, after "Program." insert **"Not later than November 1 of each year, the department shall submit a report in an electronic format under IC 5-14-6 on its findings under this subdivision to the following:**

- (A) The members of a senate standing committee selected by the president pro tempore of the senate. In selecting a standing committee under this clause, the president pro**

EH 1033—LS 6234/DI 103+



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tempore shall determine which standing committee of the senate has subject matter jurisdiction that most closely relates to the electricity, gas, and energy policy jurisdiction of the regulatory flexibility committee.

(B) The members of a house standing committee selected by the speaker of the house of representatives. In selecting a standing committee under this clause, the speaker shall determine which standing committee of the house of representatives has subject matter jurisdiction that most closely relates to the electricity, gas, and energy policy jurisdiction of the regulatory flexibility committee.

(C) The members of the legislative council established by IC 2-5-1.1-1."

Renumber all SECTIONS consecutively.

(Reference is to HB 1033 as printed January 30, 2009.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred House Bill No. 1033, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning energy.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-8.8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The group shall conduct an annual study on the use, availability, and economics of using renewable energy resources in Indiana. Each year, the group shall submit a report on the study to the commission for inclusion in the commission's annual report to the regulatory flexibility committee described in IC 8-1-2.5-9 and IC 8-1-2.6-4. The report must include suggestions from the group to encourage the development and use of renewable energy resources and technologies appropriate for use in Indiana. **In formulating the suggestions, the group shall:**

(1) evaluate potential methane opportunities from biomass as

EH 1033—LS 6234/DI 103+



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**a source of renewable energy; and
(2) consider in the evaluation information provided by the
United States Environmental Protection Agency AgSTAR
Program."**

Page 2, delete lines 20 through 42, begin a new line double block indented and insert:

"(F) Facilitating the use of biomass to generate renewable energy."

Delete page 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1033 as reprinted February 3, 2009.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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